

S.B.Civil Misc. Appeal No. 39/93

Bhanwar Lal & ors.

VS.

Land Acquisition Officer & ors.

Date of Order: 04.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr.M.S. Panwar for Mr. Sajjan Singh for the appellants.

Mr. S.S. Purohit for the respondent no.3.

Heard learned counsel for the parties.

Brief facts of the case are that the award in the land acquisition proceedings was passed on 25.5.1978, against which reference was preferred under Section 18 of the Land Acquisition Act, which was decided by the Civil Court on 18.9.1992. The grievance of the appellants is that the appellants were not given benefit of the subsequent amendment by which the appellant-claimants were entitled to solatium and interest also, because of the reason that the benefit has been extended of the amended provisions to all cases which were pending and Hon'ble the Apex Court in the case of Panna Lal Ghosh and others v. Land Acquisition Collector and others ((2004) 1 SCC 467) held that the said benefit is extended to those claimants whose matters were pending either in reference court or even in appellate court. This Court also in the case of Union of India vs. Smt. Sulochna Devi & ors. (2000 DNJ (Raj.) 89) considered the same point and also took the same view.

In view of the above decision, the appeal of the appellant

deserves to be allowed and hence allowed and the order of the Civil Court dated 18.9.1992 is set aside so far as by this order solatium and interest have not been awarded to the claimants. No other ground has been raised. Therefore, the matter is remanded to the court of Civil Judge, Jodhpur for determining the solatium and interest amount and for passing appropriate decree. The respondents may brought to the notice of the civil court the amount which they have paid against the solatium and interest so that there may be actual determination of the amounts.

Both the parties are directed to remain present before the court of Civil Judge, Jodhpur on 24.7.2006. Since the claimants are senior citizens, therefore, the civil court is requested to decide the matter by 31.8.2006.

The record be sent forthwith to the court of Civil Judge, Jodhpur.

(PRAKASH TATIA),J.

mlt.